

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:02CV266

NORTHERN HARVEST,)
Plaintiff,)
v.)
ANDERSON-AMERICA)
CORPORATION and ANDERSON)
INDUSTRIAL CORPORATION,)
Defendants.)
_____)

ORDER

On July 21, 2006, Defendants Anderson-American and Anderson Industrial Moved to Dismiss Plaintiff Northern Harvest's Complaint pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (Doc. No. 6). Subsequently, on August 16, 2006, this Court ordered the plaintiff to show cause no later than August 31, 2006, why its Complaint should not be dismissed with prejudice for lack of prosecution, advising the plaintiff that failure to respond would "result in dismissal of all claims against defendants with prejudice." (Doc. No. 7). The Court also ordered counsel for the plaintiff to seek *pro hac vice* admission and pay the required filing fee before filing his response to the show cause order. The Court subsequently amended its August 31 deadline after learning that its Order was not mailed directly to Northern Harvest, and imposed a new deadline of September 11, 2006. (Doc. No. 9). It is now September 27, 2006, and the plaintiff has failed either to respond to the Court's order, or to seek *pro hac vice* admission. The Court finds that the plaintiff therefore has failed to show cause, and under the circumstances of this case, dismissal for failure to prosecute is warranted.

THEREFORE, IT IS HEREBY ORDERED THAT pursuant to Rule 41(b) of the Federal Rules of Civil procedure, this matter is **DISMISSED WITH PREJUDICE**.

Signed: September 27, 2006

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

